

***Effective 5/13/2014***

***Superseded 5/12/2015***

**63G-6a-402 Procurement unit required to comply with Utah Procurement Code and applicable rules -- Rulemaking authority -- Reporting.**

- (1) Except as otherwise provided in Section 63G-6a-107, Section 63G-6a-403, Part 8, Exceptions to Procurement Requirements, or elsewhere in this chapter, a procurement unit may not obtain a procurement item, unless:
  - (a) if the procurement unit is the division or a procurement unit with independent procurement authority, the procurement unit:
    - (i) uses a standard procurement process or an exception to a standard procurement process, described in Part 8, Exceptions to Procurement Requirements; and
    - (ii) complies with:
      - (A) the requirements of this chapter; and
      - (B) the rules made pursuant to this chapter by the applicable rulemaking authority;
  - (b) if the procurement unit is a county, a municipality, or the Utah Housing Corporation, the procurement unit complies with:
    - (i) the requirements of this chapter that are adopted by the procurement unit; and
    - (ii) all other procurement requirements that the procurement unit is required to comply with; or
  - (c) if the procurement unit is not a procurement unit described in Subsection (1)(a) or (b), the procurement unit:
    - (i) obtains the procurement item under the direction and approval of the division, unless otherwise provided by a rule made by the board;
    - (ii) uses a standard procurement process; and
    - (iii) complies with:
      - (A) the requirements of this chapter; and
      - (B) the rules made pursuant to this chapter by the applicable rulemaking authority.
- (2) Subject to Subsection (3), the applicable rulemaking authority shall make rules relating to the management and control of procurements and procurement procedures by a procurement unit.
- (3)
  - (a) Rules made under Subsection (2) shall ensure compliance with the federal contract prohibition provisions of the Sudan Accountability and Divestment Act of 2007 (Pub. L. No. 110-174) that prohibit contracting with a person doing business in Sudan.
  - (b) The State Building Board rules governing procurement of construction, architect-engineer services, and leases apply to the procurement of construction, architect-engineer services, and leases of real property by the Division of Facilities Construction and Management.
- (4) An applicable rulemaking authority that is subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall make the rules described in this chapter in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) The State Building Board shall make a report on or before July 1 of each year to a legislative interim committee, designated by the Legislative Management Committee created under Section 36-12-6, on the establishment, implementation, and enforcement of the rules made by the State Building Board under this chapter.
- (6) The rules of the applicable rulemaking authority for the executive branch procurement unit shall require, for each contract and request for proposals, the inclusion of a clause that requires the issuing procurement unit, for the duration of the contract, to make available contact information of the winning contractor to the Department of Workforce Services in accordance with Section 35A-2-203. This requirement does not preclude a contractor from advertising job openings in other forums throughout the state.

